

Senate Rules Committee
Hearing on “Examining the Filibuster: The Filibuster Today and Its Consequences”
Opening statement of Senator Tom Udall

Mr. Chairman,

Thank you for holding this hearing.

Today’s hearing is not about examining the current use of the filibuster, but the abuse of it. We would not need to examine the filibuster if it were used sparingly and judiciously.

Unfortunately, both parties in recent years have shown their willingness to use it as a tool of obstruction, rather than a means to extend debate.

One of the main reasons I ran for the Senate is because I saw the world’s greatest deliberative body turning into a graveyard of good ideas. After over a year of observing this body in action, or in many cases in lack of action, it’s clear that we’re in danger of becoming just that.

Last month, this committee held its first hearing on the filibuster – it focused on the evolution of the filibuster throughout the history of the Senate. At that hearing, several of my senior colleagues on the other side of the aisle spoke about the need to preserve the filibuster in its current form. They argued that it is embedded in the Senate’s tradition of unlimited debate ... that any attempt to reform it is simply a short-sighted power grab by a frustrated majority.

But I believe my colleagues are missing the point. I have been speaking for months about reforming the Senate Rules – not just the filibuster – to make this a better institution. I am not approaching this effort with disrespect for the body’s traditions. I hope that by reforming our rules we can restore some of the collegiality and bipartisanship that our founders intended for the Senate.

And let me make clear ... I don’t necessarily think that the current three-fifths requirement to achieve cloture is wrong. What is wrong is that only three current members of the Senate, Senators Byrd, Inouye, and Leahy, have had the opportunity to vote on Rule XXII – which was last changed in 1975. What is truly wrong with our rules is that they have become entrenched against change – something our founders never intended.

I am very happy to see former Vice President Mondale here today, as he was one of the leaders of the filibuster reform effort in 1975. He believes, as I do, that each Senate has the constitutional right to change its rules by a majority vote. He states very clearly in his testimony that the actions of the Senate in 1975 did not “seek to bind the members of future congresses ... Even if we wanted to, we could not under the U.S. Constitution bind a future congress or waive the right of a future majority.”

The Senate of 1975 thought that the filibuster was being abused. But more recent Senates have demonstrated a whole new level of obstruction ... with senators from both sides of the aisle increasingly using it as a weapon of partisan warfare.

It is time to reform our rules. As I've said many times, I will hold this view whether I am a member of the majority or minority. There are many great traditions in this body that should be kept and respected, but stubbornly clinging to ineffective and unproductive procedures should not be one of them. We can, and should, ensure that minority rights are protected and that the Senate remains a uniquely deliberative body. But we must also ensure that it is a functional body, regardless of which party is in the majority.

Next January, I will follow in the tradition of Vice President Mondale, and my successor, Clinton Anderson, and offer a motion to adopt our rules by a simple majority. We don't have to make drastic changes nor do I think many senators want to. But we can modify the filibuster rule and other rules in a way that still respects minority rights but prevents our current state of minority obstruction.

Thank you again, Mr. Chairman.